

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 092729

56

ORIGIN MMO-02

INFO OCT-01 EA-07 ISO-00 SS-15 SP-02 PER-01 ABF-01 NSC-05

OMB-01 CG-00 DOTE-00 A-01 L-03 /039 R

DRAFTED BY M/MO:RGMAYS, JR.:L/M:HFSHAMWELL

APPROVED BY M/MO:RGMAYS, JR.

EB/TT/MA-MR. BANK (INFO)

EA/J - MR. DEMING (PHONE)

EA/EX - MR. CHAMPAGNE (INFO)

CG - CAPT.CAFFREY (PHONE)

CG - MR. DIXON (PHONE)

----- 112394

P 161923Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

LIMITED OFFICIAL USE STATE 092729

E.O. 11652:NA

TAGS: AODE, EWWT, JA

SUBJECT:MODE - COAST GUARD INSPECTOR IN JAPAN

REF: TOKYO 4450

1. AS WE UNDERSTAND, EMBASSY;S PROPOSAL IS THAT COAST GUARD INSPECTOR MIGHT SERVE IN HIROSHIMA AREA, CARRY OFFICIAL PASSPORT, HAVE AN INDEFINITE VISA AND MIGHT BE IMMUNE FROM CIVIL OR CRIMINAL ACTION IN JAPAN FOR HIS OFFICIAL ACTS. COAST GUARD HAS SENT OFFICER ON TEMPORARY DUTY BECAUSE OF PRESSING NEED TO GET ON WITH JOB. IT WOULD, HOWEVER, LIKE TO PROCEED WITH A PERMANENT ASSIGNMENT AS SOON AS POSSIBLE.

2. BY BEING HIGHLY SELECTIVE COAST GUARD BELIEVES IT COULD FILL POST WITH OFFICER WITHOUT CHILDREN, WHO BY DOING SUCH THINGS AS PURCHASING CAR ALREADY REGISTERED IN JAPAN FROM DEPARTING SERVICEMAN, COULD CARRY OUT HIS OFFICIAL FUNCTION PROPERLY IN SUCH STATUS. THIS IS, HOWEVER, LIKELY TO ESTABLISH PRECEDENT FOR INSPECTOR OUTSIDE TOKYO AREA, A FUNCTION LIKELY TO CONTINUE FOR LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 092729

SOME TIME. WHILE THIS WOULD BE AGREEABLE IF COAST GUARD

WILLING ACCEPT THIS STATUS WE WOULD LIKE TO CLARIFY STATUS OF U.S. GOVERNMENT EMPLOYEES ENGAGED IN "NON-DIPLOMATIC" WORK IN JAPAN, IN AND OUTSIDE TOKYO.

3. WHAT DOES THE PHRASE "IMMUNITY OF STATE ORGAN FROM SUIT" MEAN? DOES THIS PROVIDE OFFICIAL IMMUNITY STATUS FOR SUCH FOREIGN PERSONNEL IN JAPAN OR IS IT SIMPLY THE EXISTENCE OF A RIGHT TO ASSERT PERFORMANCE OF OFFICIAL TASK AS A LEGAL DEFENSE? WE ARE ALSO CONCERNED ABOUT SEEMING RESTRICTIVENESS INHERENT IN USE "NON-DIPLOMATIC FUNCTIONS." UNDER THE VIENNA DIPLOMATIC RELATIONS CONVENTION OF 1961, DIPLOMATIC ACTS ARE BROADLY DEFINED AS MAINTENANCE OF PEACE AND SECURITY WITH ANOTHER STATE, PROMOTION OF FRIENDLY RELATIONS INCLUDING THE DEVELOPMENT OF ECONOMIC, CULTURAL AND SCIENTIFIC RELATIONSHIPS, NEGOTIATIONS AND THE ASCERTAINMENT BY LAWFUL MEANS OF THE CONDITIONS AND DEVELOPMENTS IN THE HOST STATE. WE WOULD NOT LIKE TO ENCOURAGE A RESTRICTIVE INTERPRETATION OF THESE PROVISIONS OF THE CONVENTION IN THIS PARTICULAR INSTANCE OR IN A BROADER CONTEXT.

4. APPRECIATE EARLY RESPONSE. ROBINSON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES, COAST GUARDS, INSPECTIONS, PERSONNEL ASSIGNMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE092729
Document Source: CORE
Document Unique ID: 00
Drafter: RGMAYS, JR.:L/M:HFSHAMWELL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760145-0614
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760452/aaaabrxj.tel
Line Count: 81
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN MMO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 TOKYO 4450
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 05 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 APR 2004 by ellisoob>; APPROVED <27 JUL 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ODE - COAST GUARD INSPECTOR IN JAPAN
TAGS: AODE, EWWT, JA, US
To: TOKYO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006